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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Joshua R. Ortega, individually and on
behalf of statutory wrongful death
beneficiaries,

Plaintiffs,

v.

United States of America,

Defendant.

Case No. 3:19-cv-08110-PCT-JAT

AMENDED COMPLAINT

Statutory Plaintiff Joshua Ortega, individually and on behalf of all statutory
wrongful beneficiaries, as follows:

NATURE OF ACTION

1. Statutory Plaintiff, as statutory beneficiaries under Arizona law, bring this
civil action for the wrongful death of Sonia Ortega against defendant the United States of
America ("USA")

2. Statutory Plaintiff is the son, and statutory beneficiaries are the mother and
estate of the father respectively of Sonia Ortega, who died after being detained by Navajo
Tribal Police in Kayenta, Arizona.

3. Sonia was traveling from her home in Las Vegas, Nevada through the
Navajo Nation on her way to visit her family in New Mexico.

1 4. Sonia had a stroke, which the Navajo Tribal Police officers erroneously
2 determined was alcohol intoxication.

3 5. Rather than call for medical assistance or take her to a nearby hospital, the
4 Navajo Tribal Police officers ordered Sonia to stay the night at an adjacent hotel.

5 6. Sonia was ordered by the Navajo Tribal Police officers who detained her to
6 leave her car keys at the front desk and not to leave until the following morning.

7 7. Sonia was found dead the following morning in the hotel room where she
8 was detained.

9 8. An autopsy established that Sonia had no alcohol in her system.

10 **JURISDICTION AND VENUE**

11 9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §
12 1346(b)(1), as the claims arise out of the negligent or wrongful acts or omissions of
13 employees of the USA while acting within course and scope of their employment.

14 10. Plaintiff and statutory beneficiaries each filed separate Form 95s setting
15 forth the basis for their claims against the USA with the Office of General Counsel,
16 General Law Division, Claims Office on April 5, 2018.

17 11. More than 180 days have elapsed since the filing of the Form 95s and no
18 action has been taken by the USA since the filings.

19 12. Plaintiff and statutory beneficiaries have exhausted their administrative
20 remedies as required by the Federal Tort Claims Act (“FTCA”) as a prerequisite to
21 bringing the present suit.

22 13. Venue is appropriate pursuant to 28 U.S.C. § 1402(b), as a substantial part
23 of the events or omissions giving rise to the claims occurred within this judicial district.

24 **PARTIES**

25 14. Plaintiff Joshua R. Ortega is the son of decedent Sonia Ortega.

26 15. Statutory beneficiary Suzanne C. Beattie is the mother of decedent Sonia
27 Ortega.

1 29. When Sonia did not arrive at her destination, her family began frantically
2 trying to locate her.

3 30. Early the following morning, Sonia's brother Christopher Ortega began
4 driving from New Mexico in hopes of locating Sonia.

5 31. Sonia's son Joshua, who is an officer with the Nevada Highway Patrol,
6 accessed Sonia's credit card information and located a charge at the Kayenta Monument
7 Valley Inn.

8 32. Joshua informed Christopher of the charge and since Christopher was near
9 Kayenta, he made his way there.

10 33. Before Christopher arrived, Joshua contacted the front desk at the Kayenta
11 Monument Valley Inn and learned that Sonia had indeed checked in the previous evening.

12 34. Joshua asked to be put through to Sonia's room, but no one answered. He
13 then asked hotel staff to attempt to contact her.

14 35. Hotel staff subsequently entered Sonia's room and found her dead in the
15 same chair where the tribal police officers had left her the previous evening.

16 36. The bed in the hotel room had not been slept in and there was no indication
17 that she had moved from the chair.

18 37. By the time Christopher was allowed into the hotel room, Sonia had been
19 placed in a body bag.

20 38. The subsequent autopsy indicated that Sonia had died of a stroke.

21 39. The toxicology report indicated that Sonia had no alcohol in her system.

22 40. Sonia was a bartender in Las Vegas and always carried cash, especially
23 when she was travelling.

24 41. An inventory of Sonia's property by the tribal police did not indicate any
25 cash in Sonia's possession.

26 42. A tribal police report for the time period following Sonia's death was
27 provided to Sonia's family.

28

1 f. Detaining her at a private hotel against her will; and

2 g. Stealing money from Sonia while she was detained and incapacitated.

3 51. As a direct and proximate result of the negligence of defendant USA and
4 its employees, Sonia died.

5 52. The USA's negligence resulted in harm to Plaintiff and statutory
6 beneficiaries in an amount to be proved at trial.

7 **WHEREFORE**, Plaintiff and statutory beneficiaries request that this Court:

8 A. Award Plaintiff and statutory beneficiaries compensatory damages in an
9 amount to be proved at trial;

10 B. Award taxable costs; and

11 C. For such other and further relief as this Court deems just and proper.

12 DATED this 15th day of August, 2019.

13 **BURCH & CRACCHIOLO, P.A.**

14 By s/ John D. Curtis II

15 John D. Curtis

16 Matthew J. Skelly

17 702 E. Osborn Road, Suite 200

18 Phoenix, AZ 85014

19 ***Attorneys for Plaintiffs***

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on the 15th day of August, 2019, I electronically transmitted
22 this document to the Clerk of the United States District Court for the District of Arizona
23 by using the CM/ECF System for filing and transmittal to the registered participants as
24 identified on the Notice of Electronic Filing, and paper copies will be mailed to those
25 indicated as non-registered participants.

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